

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

FORREST STEVENS AND KELLY STEVENS

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv175-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

There are several of Defendant's motions *in limine* pending in this cause of action: [128] seeking to preclude evidence of or reference to claims for punitive or extra-contractual damages prior to a finding of liability; [129] dealing with bifurcation of trial proceedings; [130] excluding evidence of or references to any grand jury or government criminal investigation relating to Defendant's response to Hurricane Katrina; [131] addressing testimony or evidence relating to interpretation of insurance policy provisions or principles of Mississippi law; [132] aimed at evidence or reference to any Mississippi Insurance Department bulletins or correspondence; and [133] precluding the mention of or introduction of evidence concerning motions to change venue filed by Defendant in this or any other cause of action. As to [130], [131], [132], and [133], Plaintiffs do not intend to offer or make reference to such evidence, so those motions will be granted.

Bifurcation of the trial with respect to the coverage claim, on the one hand, and the punitive/extra-contractual damages, on the other, is appropriate. If the jury is given a punitive damages instruction, all counsel will be able to make a separate statement on that issue. However, with respect to evidence of or reference to claims for punitive or extra-contractual damages, allowance will be made for Plaintiffs to raise this topic in *voir dire*.

Accordingly, **IT IS ORDERED:**

Defendant's Motions [128], [129], [130], [131], [132], and [133] *in limine* are **GRANTED IN PART** and **DENIED IN PART**, consistent with the above comments. Plaintiffs may not mention or introduce evidence of motions for change of venue filed by Defendant in this or any other cause of action; may not refer to or introduce evidence regarding any grand jury or government criminal investigation involving Defendant; may not offer testimony or evidence relating to the interpretation of insurance policy provisions or principles of Mississippi law; and may not introduce evidence or refer to any Mississippi Insurance Department bulletins or correspondence. Plaintiffs will be allowed to address the issue of punitive/extra-contractual damages in *voir dire* subject to further direction from the Court. The underlying coverage/contractual claim and the entitlement to punitive/extra-contractual damages will be determined in a bifurcated proceeding, with counsel being allowed to make statements at the

beginning of each phase.

SO ORDERED this the 2nd day of July, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE